

**From:** Dan Devine  
**To:** 'microsoft.atr(a)usdoj.gov'  
**Date:** 1/23/02 1:07pm  
**Subject:** Microsoft Settlement

Greetings,

My name is Dan Devine and I would like to voice my dissatisfaction with the current Microsoft settlement agreement between the United States of America and the Microsoft Corporation.

I believe that this settlement is lacking in the following ways:

- A) It does not go far enough in preventing further illegal conduct and provides ample legal loopholes for them to continue past business practices under the guise of a settlement.
- B) It allows Microsoft to benefit from past illegal practices both monetarily and through market position.

Under the "Findings of Fact," it has been determined that Microsoft is a monopoly and that they have improperly used their power to maintain and expand that monopoly. The proposed settlement does not provide a concrete remedy to this situation and therefore is "not in the public interest." After viewing the proposed settlement, I was struck by the number of legal loopholes written into it. For each proposed requirement, there were options that Microsoft could use to continue thwart competition. These loopholes are unacceptable in light of Microsoft's past business practices, and would allow them to prevent competition in the future.

It is my belief that competition can be restored to the marketplace without unfairly harming/damaging Microsoft and without breaking the company into two or more smaller companies. I further believe that the alternative settlement offered by the state of California and others, is more in the public interest.

I further believe that the operating system (the software which governs the operation of electronic hardware) should either be "open sourced" for public view or be considered a "Public Utility," and be regulated as such. This belief is not taken lightly, and I would only consider it given that Microsoft controls 90% of computer operating systems. As an analogy, imagine what would happen if the "interface" for consumer and industrial electricity was controlled by private a corporation with legal protection on it's specifications. Such a corporation could modify the specifications of it's power at will, making competing products incompatible according to

business interests. Under the "public utility" analogy, specifications on the voltage and frequency are public thereby allowing competing firms to make safe and compatible consumer devices which benefit us all. Microsoft has been shown to create deliberate roadblocks to competition through "incompatible file formats" and "degradation" of file quality on competing products. The ability of one corporation to determine the direction of desktop computing has ominous implications, and should be curbed through government oversight.

As a conclusion, I hope that the proposed settlement is rejected as not being in the public interest.

Thank you for your time,

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